UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,940	12/31/2003	Bojan Zuzek	293-002	6663

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EXAMINER
MOLINA, ANITA C

ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 July 2010</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-21</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Notice to Applicant

This is a final action on the merits. In the amendment filed 09/28/2009, the

following occurred: claims 1-21 are pending, claims 1, 15, and 20 are amended.

Response to Amendment

The amendments filed on 07/23/2010 are entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-13, 15-17 and 20-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 2003/0061096 to Gallivan in view of US 7,234,064 to Menschik et

al, hereinafter, Menschik.

As per claim 1, Gallivan teaches **a method for transforming raw transactional**

data comprising the steps of:

-**accessing, via a processor <u>raw transactional</u> data via a communication**

network from at least one external source (see: paragraph 34);

-**transforming, via said processor, said data into at least two database**

tables (see: at least paragraph 46);

-**formatting, via said processor said data to create formatted data, wherein**

said formatting includes cleaning and validating said data, wherein said

formatted data has a first size (see: paragraphs 38 and 135);

-**longitudinally, via said processor linking said formatted data** (see:

paragraph 38);

-**compressing, via said processor said formatted data to create**

compressed data, wherein said compressed data is a second size, wherein said

second size is a fraction of said first size and wherein said compressing includes

combining related ones of said data;

-**storing, via said processor said compressed data in at least one of said**

database tables (see: paragraphs 38-39);

-**extracting, via said processor said compressed data from said at least one**

database table for analysis (see: paragraph 44); and

-**displaying, via a display device, results of said analysis as analyzed data**

(see: paragraphs 44 and 127).

Gallivan fails to specifically teach **wherein said compressed data is a second**

size, wherein said second size is a fraction of said first size and wherein said

compressing includes combining related ones of said data. Menschik teaches

compressing files to reduce their size and combining them into packages (see: column

17, line 45 – column 18, line 9). It would have been obvious to one of ordinary skill in

the art to include in the data storage and analysis of Gallivan, the data compression as

taught by Menschik because the claimed invention is merely a combination of old

elements, and in the combination, each element merely would have performed the

same function as it did separately, and one of ordinary skill in the art would have

recognized that the results of the combination were predictable.

As per claim 2, Gallivan teaches the claimed method, **further comprising the**

step of creating interval interpretations of data representing activity over time

(see: paragraph 113).

As per claim 3, Gallivan teaches the claimed method, **wherein said data is**

pharmaceutical transactional data (see: paragraph 42).

As per claim 4, Gallivan teaches the claimed method, **wherein said**

communication network is selected from the group consisting of an internet, an

intranet, a wireless network, a cellular network, a wide area network, a local area

network, a virtual private network, a token ring network, and a dial-up network

(see: paragraph 34).

As per claim 5, Gallivan teaches the claimed method, **wherein said**

compressing comprises the steps of:

(a) **inserting said formatted data into storage tables** (see: paragraph 46);

(b) **sorting and evaluating said formatted data** (see: paragraph 46);

(c) **performing calculations on said formatted data** (see: paragraphs 46 and

84); and

(d) **creating interval tables of said formatted data** (see: paragraph 61 and

Table 1).

As per claim 6, Gallivan teaches the claimed method, **wherein said analysis is**

performed based on end-user specifications (see: paragraph 44).

As per claim 7, Gallivan teaches the claimed method, **wherein said analysis is**

used for market studies (see: abstract).

As per claim 8, Gallivan teaches the claimed method, **wherein said market**

studies comprise Therapy Area and Single Class (see: paragraphs 92-96).

As per claim 9, Gallivan teaches the claimed method, **wherein said**

compressing retains all information represented by said raw transactional data

(see: claim 1, assuming 0% compression).

As per claim 10, Gallivan teaches the claimed method, **wherein said analysis**

includes data summarization (see: paragraph 129).

As per claim 11, Gallivan teaches the claimed method, **wherein said results are**

delivered to an end-user via a communication network (see: Figure 2).

As per claim 12, Gallivan teaches the claimed method, **wherein said analyzed**

data and said results are continuously updated over an extended period of time

(see: paragraph 36).

As per claim 13, it is rejected for the same reason set forth for claim 10.

As per claim 15, Gallivan teaches **an apparatus for transforming raw**

transactional data comprising:

-**at least one communication network for transfer of <u>raw transactional</u> data** (see: paragraph 34);

-**a data extraction, transformation and loading tool** (see: Figure 2, paragraphs 38 and 44);

-**at least <u>two</u> database <u>tables</u> for storage of said data** (see: paragraph 46);

-**at least one data processor for processing and compressing said data <u>to</u> <u>create compressed data,</u>** <u>wherein said compressed data is a fraction of size of said data, and wherein said processor stores said compressed data in said tables </u>(see: paragraph 46);

-**a plurality of system applications for running scripts, wherein said scripts perform data analysis, extraction, transformation and loading** (see: Figure 2, paragraphs 38-44); and

-**a web browser for displaying results of said data analysis** (see: paragraph 122).

Gallivan fails to specifically teach **<u>wherein said compressed data is a fraction of</u> <u>size of said data, and wherein said processor stores said compressed data in</u> <u>said tables</u>**. Menschik teaches compressing files to reduce their size and combining them into packages (see: column 17, line 45 - column 18 line 9). It would have been obvious to one of ordinary skill in the art to include in the data storage and analysis of Gallivan, the data compression as taught by Menschik for the same reasons set forth for claim 1.

As per claim 16, Gallivan teaches the claimed apparatus, **wherein said communication network comprises at least one communication device, a plurality of data gathering devices, at least one communication link, and at least one network protocol** (see: Figure 2).

As per claim 17, Gallivan fails to teach the claimed apparatus, **further comprising an archive server for backup storage**. Menschik teaches using a server to manage archiving files (see: column 9, line 63 - column 10, line 10). It would have been obvious to one of ordinary skill in the art to include in the data storage and analysis of Gallivan, the archive server as taught by Menschik for the same reasons set forth for claim 1.

As per claim 19, it is rejected for the same reasons set forth for claim 7.

As per claim 20, Gallivan teaches **a method for compressing data comprising the steps of**:

-**accessing, via a processor, raw data from at least one external source** (see: paragraph 34);

-**formatting, via said processor, said raw data, wherein said formatting includes cleaning and validating** (see: paragraphs 38 and 135);

-**<u>transforming, via said processor, said data into at least two database tables</u>** (see: paragraph 46);

-**creating <u>time</u> intervals, via said processor, <u>related to</u> said raw data and storing said <u>intervals</u> into tables** (see: paragraph 113);

-compressing, via said processor, said raw data to create compressed data, wherein said compressed data is a fraction of size from said raw data, and wherein said compressing includes combining said data having related ones of said time intervals; and

-**extracting, via said processor, market studies from said results for analysis** (see: abstract).

Gallivan fails to specifically teach **compressing, via said processor, said raw data to create compressed data, wherein said compressed data is a fraction of size from said raw data, and wherein said compressing includes combining said data having related ones of said time intervals**. Menschik teaches compressing files to reduce their size and combining them into packages (see: column 17, lines 45-52). It would have been obvious to one of ordinary skill in the art to include in the data storage and analysis of Gallivan, the data compression as taught by Menschik for the same reasons set forth for claim 1.

As per claim 21, it is rejected for the same reasons set forth for claim 12.

2.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0061096 to Gallivan in view of US 7,234,064 to Menschik and in view of US 2002/0165736 to Tolle et al, hereinafter, Tolle.

As per claim 14, Gallivan fails to specifically teach the claimed method, **wherein said transactional data remains anonymous**. Tolle teaches analyzing de-identified patient prescription records (see: abstract). It would have been obvious to one of ordinary skill in the art to include in the pharmaceutical data analysis of Gallivan, the de-

identification of data as taught by Tolle because the claimed invention is merely a

combination of old elements, and in the combination, each element merely would have

performed the same function as it did separately, and one of ordinary skill in the art

would have recognized that the results of the combination were predictable.

3.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over US

2003/0061096 to Gallivan in view of US 7,234,064 to Menschik and in view of US

7,191,183 to Goldstein.

        As per claim 18, Gallivan fails to teach the claimed apparatus, **wherein said**

displayed results are in the form of applets. Goldstein teaches a browser based

graphical user interface for creating reports and analyzing data (see: column 6, lines 6-

9). It is obvious to one of ordinary skill in the art to use an applet in a browser. It would

have been obvious to one of ordinary skill in the art to include in the pharmaceutical

data analysis of Gallivan, the browser as taught by Goldstein because the claimed

invention is merely a combination of old elements, and in the combination, each

element merely would have performed the same function as it did separately, and one

of ordinary skill in the art would have recognized that the results of the combination

were predictable.

Response to Arguments

4.   Applicant's arguments filed 07/23/2010 have been fully considered but they are

not persuasive.

5.   Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not

clearly point out the patentable novelty which he or she thinks the claims present in view

of the state of the art disclosed by the references cited or the objections made. Further,

they do not show how the amendments avoid such references or objections.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ANITA MOLINA whose telephone number is (571)270-

3614. The examiner can normally be reached on Monday through Friday 8am to

5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Morgan can be reached on 571-272-6773. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M./
Examiner, Art Unit 3626

/Dilek B Cobanoglu/
Examiner, Art Unit 3626